

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WALTER CRATE
800-37 Windward Drive
Aurora, Ohio 44202

Case No. 08 CV 6063 (AKH)(KNF)

Plaintiff,

-against-

**MOTION TO ADMIT NICHOLAS A.
DICELLO**

FALCONHEAD CAPITAL, LLC
450 Park Avenue
Third Floor
New York, New York 10022

PRO HAC VICE

Defendant.

FILED
U.S. DISTRICT COURT
2008 SEP -4 PM 3:19
S.D. N.Y.

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Peter F. Tamigi, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

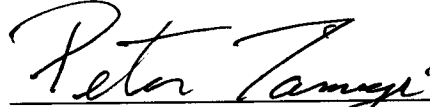
Applicant's Name: NICHOLAS A. DICELLO
Firm Name: Spangenberg Shibley & Liber, LLP
Address: 1900 East Ninth Street, Suite 2400
City/State/Zip: Cleveland, OH 44114
Phone Number: (216) 696-3232
Fax Number: (216) 696-3924

NICHOLAS A. DICELLO is a member in good standing of the State of Ohio Bar Association: Supreme Court (admitted 10-10-02), United States Court of Appeals for the Sixth Circuit (admitted 1-28-05), United States District Court (admitted 8-17-04) and Bankruptcy Court for the Northern District of Ohio, and United States District Court for the Southern District of Ohio (admitted 10-3-07).

There are no pending disciplinary proceedings against NICHOLAS A. DICELLO in any State or Federal court.

Dated: September 4, 2008
City, State: Garden City, New York

Respectfully submitted,

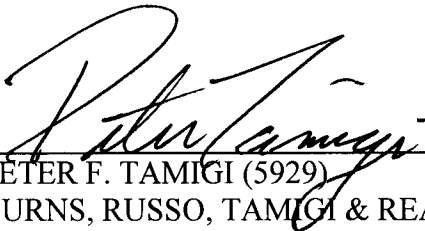
A handwritten signature in black ink, reading "Peter Tamigi", written over a horizontal line.

PETER F. TAMIGI (5920)
BURNS, RUSSO, TAMIGI & REARDON, LLP
390 Old Country Road
Garden City, New York 11530
(516) 746-7371
FAX (516) 747-7682
ptamigi@msn.com

CERTIFICATE OF SERVICE

A copy of the foregoing *Motion To Admit Nicholas A. DiCello Pro Hac Vice* has been served via regular U.S. mail and electronic mail on this 25th day of August, 2008, to:

Eric F. Leon
Matthew F. Dexter
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, NY 10022
(212) 446-4800
eleon@kirkland.com
mdexter@kirkland.com
***Counsel for Defendant,
Falconhead Capital LLC***


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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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800-37 Windward Drive
Aurora, Ohio 44202

Case No. 08 CV 6063 (AKH)(KNF)

Plaintiff,

-against-

FALCONHEAD CAPITAL, LLC
450 Park Avenue
Third Floor
New York, New York 10022

**AFFIDAVIT OF PETER F. TAMIGI
IN SUPPORT OF MOTION
TO ADMIT NICHOLAS A. DICELLO
PRO HAC VICE**

Defendant.

State of New York)
)
County of Nassau)

Peter F. Tamigi, being duly sworn, hereby deposes and says as follows:

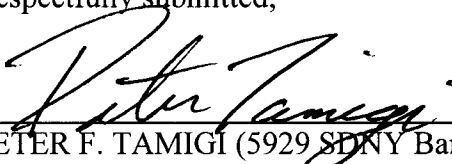
1. I am Of Counsel at Burns, Russo, Tamigi & Reardon, LLP, counsel for Plaintiff in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Nicholas A. DiCello as counsel pro hac vice to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1989. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
4. Mr. DiCello is Of Counsel at Spangenberg Shibley & Liber, LLP, 1900 East Ninth Street, Suite 2400, Cleveland, OH 44114.
5. I have found Mr. DiCello to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Nicholas DiCello, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Nicholas DiCello, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Nicholas A. DiCello, pro hac vice, to represent Plaintiff in the above-captioned matter, be granted.

Dated: September 4, 2008
City, State: Garden City, New York

Notarized:

Respectfully submitted,



PETER F. TAMIGI (5929 SDNY Bar Code)
BURNS, RUSSO, TAMIGI & REARDON, LLP
390 Old Country Road
Garden City, New York 11530
(516) 746-7371
FAX (516) 747-7682
ptamigi@msn.com
Movant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Case No. 08 CV 6063 (AKH)(KNF)

WALTER CRATE
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Aurora, Ohio 44202

Plaintiff,

-against-

FALCONHEAD CAPITAL, LLC
450 Park Avenue
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New York, New York 10022

Defendant.

**ORDER FOR ADMISSION OF
NICHOLAS A. DICELLO
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Peter F. Tamigi attorney for Plaintiff, Walter Crate, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: NICHOLAS A. DICELLO
Firm Name: Spangenberg Shibley & Liber, LLP
Address: 1900 East Ninth Street, Suite 2400
City/State/Zip: Cleveland, OH 44114
Telephone/Fax: (216) 696-3232/(216) 696-3924
Email Address: nad@spanglaw.com

Is admitted to practice pro hac vice as counsel for Plaintiff, Walter Crate, in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: _____

City, State: _____

United States District/Magistrate Judge

The Supreme Court of Ohio

C E R T I F I C A T E

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Nicholas Anthony DiCello

was admitted to the practice of law in Ohio on December 10, 2002; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 27th day of August, 2008.

SUSAN B. CHRISTOFF

Director, Attorney Services Division


Barbara J. White
Attorney Services Specialist